

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TANGELA HARRELL,

Plaintiff,

-against-

CITY OF NEW YORK, JIN TSOI, PETER SHEEHAN,
FRANK ALLIFI, and JOHN and JANE DOE 1
THROUGH 10, individually and in their official
capacities, (the names John and Jane Doe being fictitious,
as the true names are presently unknown),

Defendants.
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AMON, Chief United States District Judge.

NOT FOR PUBLICATION
MEMORANDUM & ORDER
13-CV-03658 (CBA) (LB)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAY 21 2014 ★

BROOKLYN OFFICE

On June 25, 2013, plaintiff Tangela Harrell, pro se, filed this civil rights action against defendants the City of New York and three officers of the New York City Police Department, as well as ten John Doe defendants. On July 3, 2013, Magistrate Judge Lois Bloom filed an order instructing Harrell that if service of the summons and complaint was not made on Defendants by October 23, 2013, she would recommend that the case be dismissed pursuant to Fed. R. Civ. P. 4(m). Harrell failed to serve Defendants by that date, and on November 21, 2013, Magistrate Judge Bloom sua sponte extended Harrell's time to serve the Defendants until December 19, 2013, again warning her that failure to file proof of service by that date would result in a recommendation of dismissal. Harrell failed to file proof of service, and on April 25, 2014, Magistrate Judge Bloom issued a Report and Recommendation ("R&R") recommending that this Court dismiss Harrell's complaint without prejudice pursuant to Fed. R. Civ. P. 4(m).

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept

those portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks omitted). The Court has reviewed the record and, as Harrell still has not filed any proof of service, it hereby adopts Magistrate Judge Bloom’s R&R as the opinion of the Court. Accordingly, the Court dismisses Harrell’s complaint without prejudice for failure to serve process pursuant to Fed. R. Civ. P. 4(m). The Clerk of the Court is directed to enter judgment and close the case.

SO ORDERED.

Dated: Brooklyn, New York
May 21, 2014

s/Carol Bagley Amon
— Carol Bagley Amon /
Chief United States District Judge